

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NATIONAL SEATING & MOBILITY, INC.,

Plaintiff,

No. C 10-02782 JSW

v.

ORDER ON LETTER BRIEF

MICHAEL PARRY, et al.

Defendants.

AND RELATED COUNTER-CLAIM

The Court has received and considered the parties' Joint Letter Brief submitted on January 14, 2011. National Seating and Mobility, Inc. ("NSM") seeks a protective order precluding defendant, and counter-claimant, Michael Parry ("Parry") from obtaining discovery on his class claims until the Court has resolved NSM's Motion for Partial Summary Judgment. In its motion for partial summary judgment, NSM argues that the Court should enter judgment in its favor, because Parry has no evidentiary support for the claims.

It would be an understatement to say that the Court does not find compelling NSM's argument that Parry should be precluded from conducting discovery until the motion for partial summary judgment has been resolved. The Court also concludes that NSM has not made a sufficient showing that production would be unduly burdensome, such that a blanket order precluding discovery is necessary. Finally, considering the evidence that NSM did submit in connection with its motion for partial summary judgment, if Parry were to file a motion pursuant to Federal Rule of Civil Procedure 56(d), seeking a continuance of the hearing on the

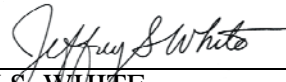
1 motion based on the need for discovery, the Court would be strongly inclined to grant that
2 request.

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4 Accordingly, NSM's request for a blanket protective order precluding discovery on the
5 class claims is DENIED. NSM shall respond to the requests for production within thirty days of
6 the date of this Order.

7 The Court also HEREBY ADVISES NSM that, pursuant to its Standing Order 9,
8 "Absent of a showing of good cause, the Court will address only one motion for summary
9 judgment per party or side." Accordingly, if NSM intends to pursue the pending motion for
10 summary judgment, it will be required to demonstrate good cause before the Court will permit it
11 to file a subsequent motion for summary judgment on *any* of the claims at issue in this case.

12 **IT IS SO ORDERED.**

13 Dated: January 14, 2011

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16 JEFFREY S. WHITE
17 UNITED STATES DISTRICT JUDGE
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